

**SEALED**

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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

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10 UNITED STATES OF AMERICA, ) CRIMINAL INFORMATION  
11 PLAINTIFF, ) CASE NO. 2:09-cr-419-PMP-LRL  
12 VS. ) VIOLATION:  
13 BRETT GIBBS ) 18 U.S.C. § 1344 - Bank fraud  
14 DEFENDANT. ) 18 U.S.C. § 2 - Aiding and abetting

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16 **THE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA CHARGES THAT:**

17  
18 **COUNT ONE**  
Bank Fraud

19 1. From on or about April 1, 2006, to on or about December 31, 2006, in the Federal  
20 District of Nevada and elsewhere,

21 **BRETT GIBBS**

22 defendant herein, did devise and intend to devise a scheme and artifice to defraud and for obtaining  
23 money and property under the custody and control of a federally-insured financial institution, namely,  
24 U.S. Bank, by means of false and fraudulent pretenses, representations and promises that would cause  
25 a bank to part with money or property.

26 . . .

### The Scheme and Artifice

2        2.        It was part of the scheme and artifice that defendant caused straw buyers to apply  
3 for mortgage loans from federally-insured financial institutions to purchase properties. Through  
4 these transactions, defendants obtained money from financial institutions by causing money from  
5 the mortgage loans to be diverted to the use and benefit of his coconspirator(s).

6       3.       It was further part of the scheme and artifice that defendant knowingly placed and  
7       caused to be placed on the straw buyers loan applications and supporting documentation,  
8       materially false information regarding straw buyers' places of employment, income, assets, and  
9       intention to occupy the properties as their primary residences which information defendants then  
10      and there well knew to be false.

11       4.       It was further part of the scheme and artifice that defendant caused title and  
12 escrow companies to disperse a portion of the loan money from the straw buyer transactions to the  
13 use and benefit of his coconspirator(s).

## Bank Fraud

15       5.       On or about January 10, 2006, in the State and Federal District of Nevada and  
16 elsewhere, the defendant, **BRETT GIBBS**, for the purpose of executing and attempting to execute  
17 the above described scheme and artifice, did knowingly cause to be submitted to U.S. Bank, a  
18 federally-insured financial institution, a mortgage loan application containing false and fraudulent  
19 pretenses, representations and promises, to cause U.S. Bank to loan money on the purchase of  
20 11505Lonepoint Ct., Las Vegas, Nevada, by straw buyer and coconspirator Brett Depue, all in  
21 violation of Title 18, United States Code, Sections 1344 and 2:

## **FORFEITURE ALLEGATION ONE**

### **(Bank Fraud)**

24 1. The allegation of Count One of this Information is hereby realleged and  
25 incorporated herein by reference for the purpose of alleging forfeiture pursuant to the provision of

1 Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2 2. Upon a conviction of the felony offense charged in Count One of this Information,

3 **BRETT GIBBS**

4 defendant herein, shall forfeit to the United States of America, any property constituting, or  
5 derived from, proceeds traceable to violations of Title 18, United States Code, Section 1344 or a  
6 conspiracy to commit such offense up to \$493,600.

7 3. If any property being subject to forfeiture pursuant to Title 18, United States  
8 Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), as a result of any  
9 act or omission of the defendants –

10 a. cannot be located upon the exercise of due diligence;  
11 b. has been transferred or sold to, or deposited with, a third party;  
12 c. has been placed beyond the jurisdiction of the court;  
13 d. has been substantially diminished in value, or;  
14 e. has been commingled with other property that cannot be divided without  
15 difficulty;

16 it is the intent of the United States of America to seek forfeiture of any properties of the defendant  
17 up to \$493,600.

18 All pursuant to Title 18, United States Code, Section 981(a)(1)(C); Title 28, United States  
19 Code, Section 2461(c); Title 18, United States Code, Section 1344; and Title 21, United States  
20 Code, Section 853(p).

21 **FORFEITURE ALLEGATION TWO**  
22 (Bank Fraud)

23 1. The allegation of Count One of this Information is hereby realleged and  
24 incorporated herein by reference for the purpose of alleging forfeiture pursuant to the provision of  
25 Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section  
26 2461(c).

2. Upon a conviction of the felony offense charged in Count One of this Information,

## BRETT GIBBS

3 defendant herein, shall forfeit to the United States of America, any property constituting, or  
4 derived from, proceeds traceable to violations of Title 18, United States Code, Section 1344 a  
5 specified unlawful activity as defined in Title 18, United States Code, Sections 1956(c)(7)(A) and  
6 1961(1)(B) or a conspiracy to commit such offense up to \$493,600.

7       3.     If any property being subject to forfeiture pursuant to Title 18, United States  
8     Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), as a result of any  
9     act or omission of the defendants –

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value, or;
- e. has been commingled with other property that cannot be divided without difficulty;

16 it is the intent of the United States of America to seek forfeiture of any properties of the defendant  
17 up to \$493,600.

18 All pursuant to Title 18, United States Code, Section 981(a)(1)(C); Title 28, United States  
19 Code, Section 2461(c); Title 18, United States Code, Section 1344, a specified unlawful activity  
20 as defined in Title 18, United States Code, Sections 1956(c)(7)(A) and 1961(1)(B); and Title 21,  
21 United States Code, Section 853(p).

**FORFEITURE ALLEGATION THREE**  
(Bank Fraud)

1. The allegation of Count One of this Information is hereby realleged and  
incorporated herein by reference for the purpose of alleging forfeiture pursuant to the provision of  
Title 18, United States Code, Section 982(a)(2)(A).

2. Upon a conviction of the felony offense charged in Count One of this Information,

## BRETT GIBBS

3 defendant herein, shall forfeit to the United States of America, any property constituting, or  
4 derived from, proceeds obtained directly or indirectly, as the result of violations of, or a  
5 conspiracy to violate, Title 18, United States Code, Section 1344, up to \$493,600.

6 3. If any property being subject to forfeiture pursuant to Title 18, United States  
7 Code, Section 982(a)(2), as a result of any act or omission of the defendants –

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value, or;
- e. has been commingled with other property that cannot be divided without difficulty;

14 it is the intent of the United States of America to seek forfeiture of any properties of the defendant  
15 up to \$493,600.

16 All pursuant to Title 18, United States Code, Section 982(a)(2)(A); Title 18, United  
17 States Code, Section 1344; and Title 21, United States Code, Section 853(p).

18 | DATED: this 9<sup>th</sup> day of October 2009.

19 DANIEL G. BOGDEN  
United States Attorney

21 BRIAN PUGH  
22 Assistant United States Attorney